



Background Paper

Committee: International Court of Justice

Topic: Violations on the Treaty of Amity, Economic Relations, and Consular Rights

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Tehran, on 15 August 1955

Treaty of Amity, Economic Relations, and Consular Rights.

The United States of America and The Islamic Republic of Iran reunited in Tehran with the common vision of achieving negotiations on a treaty of Amity between them.

After the "Iranian hostage crisis", the USA applied sanctions to the Iranian government that violated article 1 of the Treaty; eventually, the United States invoked the Treaty of Amity by announcing Iran's violation of Article 2, Clause 4, which states to provide protection to any other country's citizens.

On October 3 2018 The International Court of Justice started with the trial "Alleged Violations to the 1955 Treaty of Amity, economic relations, and consular rights" initiated by Iran, time after The United States of America announced his withdrawal from the JCPOA.

The United States accommodated a National Security Presidential Memorandum announcing its abolition from the JCPOA (Joint Comprehensive Plan of Action) in May 2018. Later then, the JCPOA agreement between Iran, China, France, Russia, United Kingdom, United States, Germany, and the European Union imposed restrictions on Iran's nuclear program in exchange for International and Bilateral sanctions relief. By November of 2018, the United States declared its intention to reapply bilateral U.S. sanctions raised under the JCPOA. Therefore, Iran turned to the ICJ, demanding the Court to designate circumstantial measures to intercept the United States from reapplying sanctions.

Iran alluded to the 1955 Iran-U.S. bilateral Treaty of Amity, Economic Relations, and Consular Rights as the source for the Court's jurisdiction. Iran depended on the XXI Article of the Treaty of Amity, which concedes the ICJ jurisdiction over wrangles regarding the *-interpretation or application-* of the Treaty *-not satisfactorily adjusted by diplomacy-*.

Iran proclaimed that the reestablishment of the U.S. sanctions would suffer an economic harm. It claimed that the United States consequently violated the following provisions of the Treaty of Amity: Article IV(1) "Fair and equitable treatment of nationals and companies and their property"; Article VII(1) "No restrictions on transfers of funds to or from the territories of the parties"; Articles VIII(1), (2) and IX(2) "Favorable and reciprocal treatment of imports and exports"; and Article X(1) "Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation"

The United States argues that Iran's claims emerge under the JCPOA which has its own resolution mechanism as well as contends that its withdrawal from the Joint Comprehensive Plan of Action and the reinstatement of sanctions was compulsory for the country's security means. Article XX (1) states that the "Treaty of Amity" has no jurisdiction to deny the imposition of measures that are needed in order to protect the parties' security. To conclude, the United States declared that the Islamic Republic of Iran failed to make use of the diplomatic relation in order to pursue a solution.

As stated by the ICJ measures, the case shall contain three conditions:

- 1) *The requesting faction should prove International Court of Justice jurisdiction.*
- 2) *The faction should prove that the claimed right has a link with the measures asked.*
- 3) *The ICJ has the power to deny the measures making them irreparable.*

The International Court of Justice determined that the alleged violations mentioned by Iran are covered in exception by security means, not all claims, in particular, are part of the exception such as the impact of sanctions in the trading of humanitarian goods, medical devices, and the maintaining of aviation services; Arguments for which the United States of America acknowledge to have a special extension when humanitarian help was required and assured to provide the use of it when needed. The ICJ finally recognized as "irreparable damage" the use of these sanctions by reason of putting at risk the lives of many individuals rather than Irani interests.

In effect of the foregoing, the Court demanded the United States of America to eliminate its impediments based on the JCPOA sanctions to the free exportation of humanitarian safety guaranteeing civil security. In response to the mentioned decision Mike Pompeo U.S. The Secretary of State announced *an end to the Treaty of Amity*. Nevertheless, the provided humanitarian help will not be eradicated by any means.

According to Article XXIII(3) of the Treaty of Amity, any party that withdraws from the treaty should do it in accordance with a one year's letter. The case is currently pending in Court.

Plaintiff

Islamic Republic of Iran

The JCPOA agreement between Iran, China, France, Russia, the United Kingdom, the United States of America, Germany, and the European Union imposed restrictions on Iran's nuclear program in exchange for International and Bilateral sanctions relief.

The United States declared its intention to reapply bilateral U.S. sanctions raised under the JCPOA. Therefore, Iran turned to the ICJ, demanding the Court to designate circumstantial measures to intercept the United States from reapplying sanctions. Iran alluded to the 1955 Iran-U.S. bilateral Treaty of Amity, Economic Relations, and Consular Rights as the source for the Court's jurisdiction. Iran depended on the XXI Article of the Treaty of Amity, which concedes the ICJ jurisdiction over wrangles regarding the *-interpretation or application-* of the Treaty *-not satisfactorily adjusted by diplomacy-*.

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Party

United States of America

The United States issued a National Security Presidential Memorandum announcing its abolition from the JCPOA (Joint Comprehensive Plan of Action) in May 2018. In the Memorandum, the President stipulated that Iran publicly declared it would decline the International Atomic Energy Agency access to military sites. Adding that in 2016, Iran violated the JCPOA's heavy-water stockpile limits twice. By November of 2018, the United States declared its intention to reapply bilateral U.S. sanctions raised under the JCPOA concerning financial transactions, trade-in metals, Iranian-origin carpets and foodstuffs, along with the export of commercial passenger aircraft and associated parts.

The United States argues that Iran's claims emerge under the JCPOA which has its own resolution mechanism as well as contends that its withdrawal from the Joint Comprehensive Plan of Action and the reinstatement of sanctions was compulsory for the country's security means. Article XX (1) states that the "Treaty of Amity" has no jurisdiction to deny the imposition of measures that are needed in order to protect the parties' security. To conclude, the United States declared that the Islamic Republic of Iran failed to make use of the diplomatic relation in order to pursue a solution.

Goals of the Court

The International Court of Justice's goals focus on how the judge interacts with the case, the rest of the judges, and the Court in general. The judge must be able to compare and contrast each side of the parties involved and explain and defend their ideas. It is also important that every judge thinks clearly and quickly, having their principles and criteria ready to defend their posture. The International Court of Justice is prepared to settle the legal dispute as an advisor, throughout the judges' resolution and the laws of nations. The judges must have their own criteria to allow them to fully participate in the case, always acting with the values of justice and peace. The Court expects independence of judges and justice for all. It is a task of all judges to secure the realization of civil, economic, cultural, political, and social rights for both parties during and at the end of the dispute. The Court firmly states its indication that both parties must abstain from any action that unnecessarily intensifies the disagreement before the Court could proceed with the case.

With the resolution of the case, the Court intends to spread that the establishment of this treaty is to guarantee security and peace, through reconstruction by both parties, as it will restate the power of international legal agreements which must be obeyed and respected. When considering the objectives and intentions of the 1955 Treaty of Amity, the Court and its participants must aim to position human dignity as the main normative basis and then the interests of international security, in order to progressively advance in the realization of the laws and treaties of international rights that determine the limits of rights and duties between States.

Key Terms

International Court of Justice: Principal Judicial Organ of the United Nations.

Violation: An action that breaks or acts against something, especially a law, agreement, principle, or something that should be treated with respect.

Treaty: A binding formal agreement, contract, or other written instrument that establishes obligations between two or more subjects of international law.

Sanctions: Penalties or other means of enforcement used to provide incentives for obedience with the law, or with rules and regulations.

Bilateral: Involving two parties, especially countries.

Jurisdiction: The official power to make legal decisions and judgments.

Parties: The States who are directly involved or interested in any act, affair, contract, transaction, or legal proceeding.

Case: A dispute between opposing parties that may be resolved by a court, or by some equivalent legal process.

Interim Order: Temporary orders while the Court makes its decision.

Diplomatic: Involving diplomats or the management of the relationships between countries.

Charter of the United Nations: It is the foundational treaty of the United Nations and the constitutive text of the International Court of Justice.

Statue of the Court: Document annexed to the Charter of the United Nations, with the main purpose of organizing the composition and functioning of the Court.

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